



Notice of Allowability

Application No.

10/601,536

Examiner

Jianchun Qin

Applicant(s)

SHELLHAMMER ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/11/05.
2. ☒ The allowed claim(s) is/are 1, 2 and 5.
3. ☒ The drawings filed on 8/11/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DAVID MARTIN

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 2 and 5 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 1, 2 and 5 is the inclusion of the limitations of: an adhesive strip attached to the outer surface of the ring; and a scalpel incision on the inside middle of the ring extending the entire middle circumference of the inner area of the ring.

Keller, Jr. (U.S. Pat. No. 4121686) discloses a hollow sound-dampened structure, having an adhesive strip attached to the outer surface of the hollow structure, but fails to teach or suggest the motivation to attach the adhesive strip to the ring mute as recited in claim of the instant application.

Koizumi (U.S. Pat. No. 6843345) discloses a speaker assembly device for a door of a vehicle, including a scalpel incision on the inside middle of a cylindrical bracket extending the entire middle circumference of the inner area of the cylindrical bracket (Fig. 6), but failed to teach or suggest the motivation to apply this connection mechanism to attaching the ring mute onto and around the rim of the bell of a brass musical instrument.

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It is these limitations found in each of the claims of the instant application, as they are claimed in the combination that have not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art Citations

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Purdie (U.S. Pat. No. 4998959) is entitled "Mute for horn-type instruments".

2) Weik et al. (U.S. Pat. No. 5373771) is entitled "Brass and wind musical instrument attachment and method related thereto".

3) Mcarthur (U.S. Pat. No. 1508024) is entitled "Mute for wind instruments".

4) Thompson (U.S. Pat. No. 6114619) is entitled "Ventilated mute for wind instrument".

5) Keller, Jr. (U.S. Pat. No. 4121686) is entitled "Hollow sound-dampened structure".

6) Koizumi (U.S. Pat. No. 6843345) is entitled "device and method for installing vehicle door speaker".

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Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jianchun Qin
Examiner
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JQ 
October 4, 2005

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| Notice of References Cited | Application/Control No. 10/601,536 | Applicant(s)/Patent Under Reexamination SHELLHAMMER ET AL. | |
| | Examiner Jianchun Qin | Art Unit 2837 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|------------------------|----------------|
| * | A | US-4,998,959 | 03-1991 | Purdie, Thomas | 84/400 |
| * | B | US-5,373,771 | 12-1994 | Weik et al. | 84/400 |
| * | C | US-1,508,024 | 09-1924 | MCARTHUR WILLIAM A | 84/400 |
| * | D | US-6,114,619 | 09-2000 | Thompson, Robert Shawn | 84/400 |
| * | E | US-4,121,686 | 10-1978 | Keller, Jr., Moreau A. | 181/233 |
| * | F | US-6,843,345 | 01-2005 | Koizumi et al. | 181/150 |
| | G | US- | | | |
| | H | US- | | | |
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FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.